

Morristown/Morrisville Planning Council
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Meeting Minutes of Tuesday 27 October 2020

Council Members Present: Steven Foster, Joshua Goldstein, Etienne Hancock (Chair)

Council Members Absent: Allen Van Anda, Tom Snipp

Guests: Conservation Commission Chair Ron Stancliff, Engineer Tyler Mumley, Graham Mink, Grant Wieler, Elise Limoge, Marc & Diane Cote, Lyndon Burkholder, Pat Thompson, Peter Wilder, Rob Lenke, Rick Loya, Ted Haas, Judy & John Kaiser

Staff: Planning Director Todd Thomas

Call to Order: Chair Hancock called the meeting to order in the Community Meeting Room of the Old Tegu Theatre on 43 Portland Street at approximately 5:05 P.M.

Prior meeting minutes – Approval of prior minutes was tabled due to quorum issues.

Discuss: Zoning more land for the multi-family use (Graham Mink) – Graham Mink and Engineer Tyler Mumley reappeared before the Council asking for more land zoned to allow for the multi-family use. Member Goldstein said he was supportive of this request in the Commercial Zone. He added that would like to see more people living in the Uptown Commercial Zone to give the businesses therein more close-by customers, give the area more vitality, and ultimately make it more walkable, and connected to the downtown. While the specific request being made was to eliminate the existing requirement that residential uses had to be located primarily on upper floors in the Commercial Zone, Engineer Mumley spoke to compromise language that would only prohibit all-residential buildings within a strip of commercial zoned land that is immediately parallel to high-traffic roads. It was agreed that more study was needed to determine the width of this strip of land because the 100 foot number discussed at the meeting had not been studied. Mr. Thomas said he would work with Engineer Mumley and Mr. Mink to conduct a mapping exercise to determine the appropriate width of this reserve strip for commercial and mixed use for a future meeting.

Engineer Mumley also spoke to a zoning fix for the small Commercial Zone on the south end of the Village. It was agreed that the Council would examine if expanding the Mixed Office Residential Zone and allowing Multi-Family housing therein made sense. Chair Hancock said that these changes would not take place until the Fall 2021 zoning change.

Lyndon Burkholder said that the existing Commercial Zone does not allow his small utility trailer business to expand in town in an affordable manner. A discussion ensued about allowing business to business retail sales part of the Business Services use out by the airport Industrial Zone during the Fall 2021 zoning change. Mr. Thomas said he would come up with a proposal for a future Council meeting.

Discuss: Revised Land Use Chapter of the Town Plan Chapter – Graham Mink suggested some additional changes to the Land Use Chapter of the Town Plan. Primary amongst them was changing the map of the Designated Downtown area in the chapter so

it included land that was not already built out. He said that was opposed to reapplying for the designated downtown if the existing map was not extended into areas that were actually developable. He added that just renewing the old designation without amending the map was not worth the additional regulation and effort. To fix the map, he suggested removing the downtown designation from the school property and a portion of Oxbow Riverfront Park, and using that acreage to include some of the newly expanded High Density Residential Zone. The Council Members agreed with the logic, and to the requested map change. Community Development Coordinator Tricia Follert was invited to the next Council meeting to speak to the ramifications of these changes. The Council also agreed to insert a more open-ended statement about the Town being open to density changes inside the Sewer Service Management Area in the new Land Use Chapter to keep the Town Plan from being too restrictive over the next decade.

Mr. Thomas added that he would also need to tweak the Land Use Chapter so it includes the evening's earlier discussions regarding the Dwelling Unit Multi-Family use in the Commercial Zone, changing and expanding the Mixed Office Residential Zone to include the small Commercial Zone by Rock Art Brewery, and the Business Services retail change out by the airport.

Discuss: Judy Kaiser, add 559 Cadys Falls Rd to IND Zone – Judy & John Kaiser appeared before the Council asking for reconsideration of the current zoning restriction that is keeping them from opening an auto repair facility in their existing garage at 559 Cadys Falls Road, which is located in the Rural Residential Agricultural Zone, but just outside the Industrial Zone. Mr. Kaiser said he would run a clean business that would focus on driver assist calibrations, but would also include car inspections and related repairs. Upon Mr. Kaiser offering that the car repair portion of would not run with the land, Mr. Thomas suggested that he seek a DRB Home Business permit prior to seeking a zoning change. Mr. Kaiser said he would submit an application for such later in the week.

Public Hearing: 2021 proposed zoning changes – The Planning Council opened the public hearing and asked for comments on the following proposed zoning changes.
§204.5b - Allow Class 2 development in IND Zone #2 (Houle St. frontage east)
§340 - Add steep slope protection (20% or more) to Environmental Resource Areas
§401.1 - Codify existing treatment of temporary structures (less than 1 year)
§402.1 - Do not require the Zoning Administrator to renew expired permits
§423.4 - Reword Accessory Apartment regulations
§479 - Clarify that campaign signs can be in place 60 days before election day
§840.8 - Set wet hydrant locations & require dry hydrants in major rural subdivisions -
§IX - Remove studio / one-bedroom limitation from Accessory Apartment definition
§1091 - Remove the "Fairwood area" from the Medium Density Residential Zone
§1102 - Add the "Fairwood area" into the Low Density Residential Zone

Marc Cote spoke against adding steep slopes to the §340 Environmental Resource Areas. He said this regulation was not needed. Mr. Thomas explained that this zoning simply required a DRB review of applications where certain development would take place on mapped slopes exceeding 20%, but the propose regulations did not actually preclude any

development from taking place. The Council spoke about recently approved changes to the State Statute regarding accessory apartments, but decided that the warned changes to the Town's accessory apartment language not need to be changed at this time. Various members of the audience spoke in favor of the proposed Fairwood Parkway downzoning. After hearing no further public comments, Member Goldstein moved to close the hearing and approved the zoning changes as proposed. The motion was affirmed by a vote of 3-0.

Discuss: Draft Energy Chapter of the Town Plan – The Council reviewed the changes that Mr. Thomas was directed to make to the Energy Chapter of the Town Plan. The Council Members, by consensus, deemed the chapter to be complete and ready for warning. The Council decided to proceed on an aggressive timeline to get the Town Plan approved as quickly as was reasonably possible. That aggressive timeline is as follows:

Nov. 10th – Statements on Development Objectives & on Adjacent Town Plan Relativity

Nov. 24th – Implementation Plan

Dec. 8th – Review of Utility & Facility, Education, and Economic Development chapters that were written prior to Covid-19. Also review draft Town Plan Statutory Report.

January 26th – First available Town Plan hearing

February 9th – Second Town Plan hearing and Planning Council vote

April 5th – First Selectboard Hearing Town Plan hearing

April 7th – Village Trustee Town Plan hearing

April 19th – Second Selectboard Town Plan hearing

May 3rd – Selectboard vote to approve Town Plan (or 3rd hearing if changes made on 4/5)

May 5th – Village Trustees vote to approve Town Plan

The meeting adjourned at 7:00 PM, submitted by Todd Thomas, Planning Director